

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-2368

HARRY WALDO NICKELSON, JR.,

Plaintiff - Appellant,

versus

UNITED STATES OF AMERICA; THE DEFENSE OFFICE
OF HEARINGS AND APPEALS; LEON J. SCHACHTER,
Director of the Defense Office of Hearings and
Appeals,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Newport News. Rebecca Beach Smith,
District Judge. (CA-03-51-4)

Submitted: July 16, 2004

Decided: July 30, 2004

Before WILKINSON, WILLIAMS, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Dawn Lee Serafine, Bryan Heaton Schempf, JONES, BLECHMAN, WOLTZ &
KELLY, P.C., Newport News, Virginia, for Appellant. Alcides Ortiz,
Associate General Counsel, Peter D. Keisler, Assistant Attorney
General, Paul J. McNulty, United States Attorney, Mark B. Stern,
Joshua Waldman, DEPARTMENT OF JUSTICE, Washington, D.C., for
Appellees.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Harry Waldo Nickelson, Jr., appeals the district court's order dismissing for failure to state a claim his complaint arising out of the Defense Office of Hearings and Appeals' failure to renew Nickelson's security clearance. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. See Nickelson v. United States, No. CA-03-51-4 (E.D. Va. Sept. 26, 2003). We grant Nickelson's unopposed motion to take judicial notice of statutes and administrative materials filed as an appendix to his brief. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED